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*Attorneys for Plaintiff
Warrug, Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WARRUG, INC.,

ECF CASE

Plaintiff,

21-cv-08088

v.

COMPLAINT

SILVER TONGUE WAR RUGS & EXOTIC
SUPPLIES LTD.,

Jury Trial Demanded

Defendant.

-----X

Plaintiff Warrug, Inc. (“Warrug”), by its undersigned attorneys, as and for its Complaint (the “Complaint”) against defendant Silver Tongue War Rugs & Exotic Supplies Ltd. (“Silver Tongue”), alleges as follows:

NATURE OF THE ACTION

1. Plaintiff Warrug brings this action for copyright infringement, pursuant to 17 U.S.C. § 101, *et seq.* (the “Copyright Act”), against Silver Tongue for its willful infringement of the Copyrighted Artworks (defined below), seeking damages resulting from such infringement.

THE PARTIES

2. Warrug, Inc. is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 121 Pacific Street, # P1E, Brooklyn, New York 11201.

3. Upon information and belief, War Rugs & Exotic Supplies Ltd. is a private limited company organized and existing under the laws of the Countries of England and Wales, with its registered office at 313 Stafford Road, Caterham, England, CR3 6NN.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Silver Tongue pursuant to Section 302 of the New York Civil Practice Law and Rules.

6. Venue is proper within this district pursuant to 28 U.S.C. §§ 1391(b)(1), 1391(b)(2), 1391(d), and 1400(a), in that a substantial part of the events giving rise to Warrug's claims occurred and are occurring in this district.

BACKGROUND

Warrug

7. Warrug is the leading online retailer of war rugs, which are traditional Persian and Oriental rugs, predominantly from Afghanistan, which feature martial images such as helicopters and tanks.

8. Warrug also maintains on its website, <https://warrug.com>, an extensive catalog of images of war rugs that it has sold and which are currently for sale. Three of such images are Copyrighted Artworks (defined below).

The Copyrighted Artworks

9. Warrug is the exclusive owner of all right, title, and interest to the following works of art, pursuant to the Copyright Act and common law rights associated therewith (collectively, the "Copyrighted Artworks"):

- a. “Three Drones”: U.S. Registration Number VA 2-116-122, issued on February 13, 2018, for a “2-D artwork” titled “Three Drones,” which was completed in 2014 and first published on December 12, 2014. (A true and correct copy of this registration is annexed hereto as *Exhibit 1*.)
- b. “Reaper”: U.S. Registration Number VA 2-116-119, issued February 13, 2018, for a “2-D artwork” titled “Reaper,” which was completed in 2014 and first published on December 12, 2014. (A true and correct copy of this registration is annexed hereto as *Exhibit 2*.)
- c. “Predator”: U.S. Registration Number VA 2-116-116, effective February 13, 2018, for a “2-D artwork” titled “Predator,” which was completed in 2014 and first published on December 12, 2014. (A true and correct copy of this registration is annexed hereto as *Exhibit 3*.)

10. In or about 2014, Warrug authored each of the Copyrighted Artworks.

11. On or about December 12, 2014, Warrug published the Copyrighted Artworks on its website, <https://warrug.com>. (Copies of each of the Copyrighted Artworks, as they appear on Warrug’s website, are annexed hereto, collectively, as *Exhibit 4*.)

12. On February 13, 2018, each of the Copyrighted Artworks were registered with the United States Copyright Office. *See supra*, at ¶ 9(a)-(c).

The Infringement

13. In or about April, 2021, Warrug learned that Silver Tongue had copied, publicly displayed, and/or distributed the Copyrighted Artworks by offering for sale various rugs through its website, <https://www.silvertonguewarrugsandexoticsupplies.com/>, and other online platforms, including Facebook, eBay, and Etsy, that are substantially similar to the Copyrighted Artworks.

14. Silver Tongue is not, and has never been, licensed or otherwise authorized to copy, publicly display, and/or distribute the Copyrighted Artworks.

15. In or about April, 2021, Warrug notified Silver Tongue of the infringement.

16. Upon information and belief, upon being notified of the infringement, Silver Tongue removed the infringing images from its website and added the following text to its site:

On top of all the rugs featured here we have a LARGE RANGE OF GENUINE AFGHAN DRONE RUGS that are not displayed because of a very annoying "American copyright issue" we are still working on this.[] Its a long and boring story but in the meantime to view these rugs please message me here or any other platform and ill be more than happy to send the range!-)

17. In or about April, 2021, Silver Tongue published substantially similar images of the Copyrighted Artworks on www.facebook.com, www.ebay.com, and www.etsy.com.

18. In or about April, 2021, Warrug notified www.facebook.com, www.ebay.com, and www.etsy.com of such activity.

19. Upon information and belief, after being notified of the infringements, such images were temporarily removed from the respective websites.

20. In or about August, 2021, Silver Tongue published images substantially similar to the Copyrighted Artworks on www.etsy.com. (Copies of examples of such images on www.etsy.com are annexed hereto, collectively, as *Exhibit 5*.)

21. Upon information and belief, as of August, 2021, Silver Tongue again published images substantially similar to the Copyrighted Works to its website. (A copy of the Silver Tongue website with the infringing images is annexed hereto as *Exhibit 6*.)

22. Upon information and belief, as of August 2021, Silver Tongue also added the following text to its website:

Old site was taken down by Kevin Sudeith and his ridiculous claim to own the "U.S copyright" of the Afghan Drone Rug. We have

now won the right legally to relist these rugs on this website and all other platforms! We are currently ordering more of them in all sizes and vintage to make up for the years of product monopoly by Kev.

23. To date, Silver Tongue continues to willfully copy, publicly display, and/or distribute the Copyrighted Artworks without license or authority.

24. Nor has Silver Tongue compensated Warrug for such use.

AS AND FOR A FIRST CLAIM FOR RELIEF
(Copyright Infringement – 17 U.S.C. § 504)

25. Warrug repeats and re-alleges the allegations set forth in paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. Warrug is the exclusive owner of all right, title, and interest to the copyrighted artwork titled “Three Drones,” which copyright is registered under U.S. Registration Number VA 2-116-122.

27. Accordingly, Warrug has the exclusive right to copy, publicly display, and/or distribute copies of such copyrighted artwork to the public.

28. Silver Tongue, without any license or authority from Warrug, willfully copied, publicly displayed, and/or distributed such copyrighted artwork, in violation of Warrug’s exclusive rights under the Copyright Act.

29. Warrug is entitled to maximum statutory damages pursuant to 17 U.S.C. § 504(c) or to recover its actual damages and profits attributable to the infringement pursuant to 17 U.S.C. § 504(b), at Warrug’s election, and such other relief as is provided by law.

30. Warrug is further entitled to its attorneys’ fees and full costs pursuant to 17 U.S.C. § 505.

AS AND FOR A SECOND CLAIM FOR RELIEF

(Copyright Infringement – 17 U.S.C. § 504)

31. Warrug repeats and re-alleges the allegations set forth in paragraphs 1 through 30 of this Complaint as if fully set forth herein.

32. Warrug is the exclusive owner of all right, title, and interest to the copyrighted artwork titled “Reaper,” which copyright is registered under U.S. Registration Number VA 2-116-119.

33. Accordingly, Warrug has the exclusive right to copy, publicly display, and/or distribute copies of such copyrighted artwork to the public.

34. Silver Tongue, without any license or authority from Warrug, willfully copied, publicly displayed, and/or distributed such copyrighted artwork, in violation of Warrug’s exclusive rights under the Copyright Act.

35. Warrug is entitled to maximum statutory damages pursuant to 17 U.S.C. § 504(c) or to recover its actual damages and profits attributable to the infringement pursuant to 17 U.S.C. § 504(b), at Warrug’s election, and such other relief as is provided by law.

36. Warrug is further entitled to its attorneys’ fees and full costs pursuant to 17 U.S.C. § 505.

AS AND FOR A THIRD CLAIM FOR RELIEF

(Copyright Infringement – 17 U.S.C. § 504)

37. Warrug repeats and re-alleges the allegations set forth in paragraphs 1 through 36 of this Complaint as if fully set forth herein.

38. Warrug is the exclusive owner of all right, title, and interest to the copyrighted artwork titled “Predator,” which copyright is registered under U.S. Registration Number VA 2-116-116.

39. Accordingly, Warrug has the exclusive right to copy, publicly display, and/or distribute copies of such copyrighted artwork to the public.

40. Silver Tongue, without any license or authority from Warrug, willfully copied, publicly displayed, and/or distributed such copyrighted artwork, in violation of Warrug's exclusive rights under the Copyright Act.

41. Warrug is entitled to maximum statutory damages pursuant to 17 U.S.C. § 504(c) or to recover its actual damages and profits attributable to the infringement pursuant to 17 U.S.C. § 504(b), at Warrug's election, and such other relief as is provided by law.

42. Warrug is further entitled to its attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

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WHEREFORE, plaintiff Warrug Inc. prays for judgment:

- a. Declaring that Silver Tongue's willful copying, publicly displaying, and/or distributing of the Copyrighted Artworks constitutes copyright infringement in violation of the Copyright Act;
- b. Awarding Warrug actual damages caused by Silver Tongue's infringement, and ordering Silver Tongue to account for and disgorge all gains, profits, and advantages from such infringement, plus interest as permitted by law;
- c. In the alternative, awarding Warrug the maximum statutory damages; and
- d. Granting Warrug all costs and reasonable attorneys' fees incurred in connection with this action, together with such other relief as the Court deems just and proper.

Dated: New York, New York
September 29, 2021

Respectfully submitted,

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By: 

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